



# City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council

April 22, 2014

City of Norfolk, Virginia

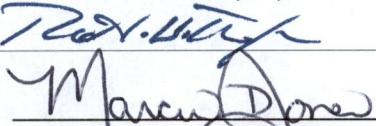
From: George M. Homewood, AICP CFM, Planning Director

Subject: **Zoning Text Amendment to Expand Opportunities for Day Care Homes**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager

Ward/Superward: Citywide

Approved:

  
Marcus D. Jones, City Manager

Item Number:

**PH-3**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Zoning text amendment to amend sections 2-3, 4-0, Table 4-A "Table of Land Uses", and 25-10.2 "Child day care centers, Day care homes, and Kindergartens" to expand opportunities to operate Day care homes in residential districts.
- IV. **Applicant:** City Planning Commission
- V. **Description**  
This text amendment would provide the opportunity to increase access to early care and education for young children within the City by streamlining regulations and allowing more opportunities for Day care homes to operate.
- VI. The current Text Amendment proposes to make the following modifications to Child day care homes:
  - *All Day care homes (single-family dwellings on minimum lot area of 6,000 square feet)*
    - Must be licensed by the Virginia Department of Social Services
    - Fenced Play area
      - Eliminate distance that fenced play areas must be 20 feet from adjacent properties
      - Require six foot solid fence enclosing yard
    - Require Certificate of Occupancy and all necessary permits and inspections be obtained from the City of Norfolk prior to the issuance of a Business License.
  - *Day Care Homes (Single-Family dwellings on minimum lot area of 6,000 square feet)*
    - Limit to nine children by right
  - *Day Care Homes (Single-family dwellings on minimum lot area of 10,000 square feet)*
    - May be allowed up to nine children by-right; Twelve may be permitted by Special Exception

Staff point of contact: Chrishaun Smith at 664-4740, [chrishaun.smith@norfolk.gov](mailto:chrishaun.smith@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated March 27, 2014 with attachments
- Proponents and Opponents
- Ordinance
- Letter of Support from the Planning Council



# City of NORFOLK

To the City Planning Commission  
City of Norfolk, Virginia

March 27, 2014

From: Chrishaun Smith, *CS*  
City Planner I

**Subject:** Zoning Text Amendment to amend sections 2-3, 4-0, Table 4-A, "Table of Land Uses," and 25-10.2, "Child day care centers, day care homes, and kindergartens," of the Zoning Ordinance to expand opportunities for Day care homes in residential districts – City Planning Commission

Reviewed: Leonard M. Newcomb III, CFM *LMW*  
Land Use Services Manager

**Ward/Superward:** Citywide

Approved:

George M. Homewood, AICP, CFM,  
Planning Director

**Item Number:** 2c

- I. **Recommendation:** Staff recommends approval, considering that the amendment would provide additional opportunities for day care homes licensed by the Virginia Department of Social Services and would provide additional educational and economic opportunities for city residents.
- II. **Applicant:** City Planning Commission
- III. **Description:** The text amendment would modify the *Zoning Ordinance* by eliminating unnecessary requirements for the purpose of allowing Day care homes on smaller lots and allow Day care homes with up to 12 children on larger lots by Special Exception.
- IV. **Analysis**
  - Plan Analysis**
    - The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, including zoning requirements, to support business investment.
      - The proposed changes to the *Zoning Ordinance* are consistent with this action.
  - Zoning Analysis**
    - In 2009 the *Zoning Ordinance* was amended to create "Day care homes" by Special Exception in R-1 through R-7 single-family districts subject to the following criteria:
      - Licensed by Department of Social Services of the Commonwealth of Virginia

- Three on-site parking spaces (1 for pick-up and drop off plus 2 for the home)
- Fenced play area
  - 7500 square foot lots
  - 75 square feet of area for each child enrolled
  - 20 feet to the line of an adjacent lot improved by a residential use
  - Hours: 8:00 a.m. and 6:00 p.m.
- Solid fences or walls and/or vegetative screening may be required between fenced play areas and adjoining lots in residential use
- Subsequently, the Planning Commission and City Council approved an amendment to permit the use in any residential district by Special Exception on lots in any district that are 6,000 square feet or more (minimum lot size in the R-7 district).
- The proposed amendment incorporates research obtained from the Norfolk *Ready by 5* Early Childhood Initiative.
  - Norfolk *Ready by 5* Early Childhood Initiative seeks to provide opportunities to support young children's healthy development and school readiness by increasing opportunities for high quality early care and education.
  - This text amendment would provide the opportunity to increase access to early care and education for young children within the City by streamlining regulations and allowing more opportunities for Day care homes to operate.
- The current Text Amendment proposes to make the following modifications to Child day care homes:
  - *All Day care homes (single-family dwellings on minimum lot area of 6,000 square feet)*
    - Must be licensed by the Virginia Department of Social Services
    - Fenced Play area
      - Eliminate distance that fenced play areas must be 20 feet from adjacent properties
      - Require six foot solid fence enclosing rear yard.
    - Require Certificate of Occupancy and all necessary permits and inspections be obtained from the City of Norfolk prior to the issuance of a Business License.
  - *Day Care Homes*
    - Limit to nine children
    - Permitted By-Right
  - *Day Care Homes (Single-family dwellings on minimum lot area of 10,000 square feet)*
    - May be allowed up to nine children by-right; twelve may be permitted by Special Exception.

**V. Financial Impact**

N/A

**VI. Environmental**

This proposed ordinance revisions should not have any environmental impact, since the projects utilizing its provisions will be reviewed for full compliance with ordinance standards.

**VII. Community Outreach/Notification**

- Notice was sent to the civic leagues by the Department of Communications on February 12.
- Legal notification was placed in *The Virginian-Pilot* on February 13 and 20.

**VIII. Coordination/Outreach**

This request has been coordinated with the Department of Planning and Community Development, City Manager's Office, and the City Attorney's Office.

**Supporting Material from the Department of Planning and Community Development:**

Proposed Text

## **Proponents and Opponents**

### **Proponents**

None

### **Opponents**

None

RMF

Form and Correctness Approved:

By Adam Melis  
Office of the City Attorney

Contents Approved:

cs By [Signature]  
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN PORTIONS OF SECTIONS 2-3, 4-0, AND 25-10 AND TABLE 4-A OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, IN ORDER TO ALLOW DAY CARE HOME AS A PERMITTED USE ON CERTAIN LOTS IN RESIDENTIAL ZONING DISTRICTS AND TO ELIMINATE CERTAIN RESTRICTIONS ON THE OPERATION OF SUCH FACILITIES.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the portions of sections 2-3, 4-0, and 25-10 and of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) that are specified hereinafter are hereby amended and reordained in the manner set forth below so as to allow Day Care Home as a permitted use on certain lots in residential zoning districts and to eliminate certain restrictions on the operation of such homes.

Section 2:- That the definition of "Day care home" contained in section 2-3, entitled "Definitions", is hereby amended and reordained for the reasons stated above. The text shall read as set forth in "Exhibit A," attached hereto.

Section 3:- That section 4-0.5, previously reserved, is hereby amended and reordained for the reasons stated above. The text shall read as set forth in "Exhibit B," attached hereto.

Section 4:- That table 4-A of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Land Uses," is hereby amended and reordained so as to allow "Day Care Home" as a permitted use on lots which have a minimum of 6,000 square feet of lot area and are located in residential zoning districts R-1 through R-15 and to allow "Day Care Home" by special exception on lots which have a minimum of 10,000 square feet of lot area in the same residential districts. The table shall read as set forth in "Exhibit C," attached hereto.

Section 5:- That sections 25-10.2, 25-10.2.1, and 25-10.2.2 are hereby amended and reordained for the reasons stated above in

Section 1 of this ordinance. The text shall read as set forth in "Exhibit D," attached hereto.

Section 6:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (1 page)

Exhibit B (1 page)

Exhibit C (3 pages)

Exhibit D (2 pages)

## EXHIBIT A

### 2-3 Definitions.

...

*Day care home.* The secondary use of a one-family residential dwelling in which care and maintenance is provided to more than five (5) but not more than twelve (12) children who are separated from their guardians during part of the day and does not employ more than one (1) person who does not reside in the home.

...



## EXHIBIT B

...

4-0.5 *Day care homes.* Any day care home operating in a single-family dwelling in a residential district located on a lot with a minimum lot area of 6000 sq. ft. shall comply with all of the following provisions:

- (a) No more than one (1) employee of the day care home shall be a person living outside of the home.
- (b) The day care home shall obtain a certificate of occupancy and all other necessary permits and inspections from the city's Code Official.
- (c) No day care home shall be permitted to commence operations and no business license shall be issued for such a use until a licensed has been issued by the Commonwealth of Virginia.
- (d) The site shall be kept free of clutter or debris and shall be maintained in a manner to provide peace and tranquility to surrounding residential properties.
- (e) *Play area.* A play areas located so as to provide maximum peace and tranquility to adjoining residential uses and promote the safety of the children attending the day care home shall be provided in accordance with the following standards:
  - (i) A six (6) foot tall solid fence or wall shall be provided around the play area, located in conformity with the regulations of section 13-6.3 of this ordinance.
  - (ii) All outdoor play activities on the premises shall be conducted within the fenced play area and shall be limited to the hours between 8:00 a.m. and 6:00 p.m.

...

# EXHIBIT C

**RESIDENTIAL DISTRICTS  
TABLE 4-A – TABLE OF LAND USES**

LAND USES P = Permitted Use S = Special Exception Use	RESIDENTIAL DISTRICTS																COMMENTS
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	UR	
RESIDENTIAL USES																	
Congregate Housing											P	P	P	P	P		
Day Care Home (maximum of 9 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Only available on lots with a single-family dwelling and minimum lot area of 6000 sq. ft. Subject to the requirements of § 4-0.5 Day care homes
Day Care Home (maximum of 12 children)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		Only available on lots with a single-family dwelling and minimum lot area of 10,000 sq. ft. Subject to the requirements of §4-0.5 Day care homes and §25- 10.2.2 Day care homes
Dormitory											S	S	S	S	S		
Fraternity/Sorority House											S	S	S	S	S		
Group Home	S	S	S	S	S	S	S	S	S		P	P	P	P	P		Parking reduction subject to the requirements of §15.5-1(b)
Group Home for the Handicapped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Multi-Family (3-6 units)											P	P	P	P	P		

LAND USES P = Permitted Use S = Special Exception Use	RESIDENTIAL DISTRICTS																COMMENTS
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	UR	
Multi-Family (7 or more units)											S	S	P	P	P		
Rooming House											S	S	S	S	S		Subject to the requirements of City Code § 22-27 – 34
Semi-Detached Dwelling											P	P	P	P	P	P	
Single-Family	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	Auxiliary units allowed in UR District by special exception; subject to the requirements of § 4-16
Townhouse										P			P	P	P	P	
Two-Family											P	P	P	P	P		
<b>COMMERCIAL USES</b>																	
Bed and Breakfast Home											S	S	S	S			Subject to the requirements of § 25-10.10 Bed and Breakfast
<b>PUBLIC AND CIVIC USES (Sites &lt; 1 Acre)</b>																	
Community Dock	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day Care Center, Adult											S	S	S	S	S		
Day Care Center, Child											S	S	S	S	S		Subject to the requirements of § 25-10.2 Day care center
Day Care Center, Child (only as	S	S	S	S	S	S	S	S	S	S							Subject to the requirements of §25-10.2 Day care center; on lots at least 20,000 square feet in area



## EXHIBIT D

### 25-10.2 *Child day care centers.*

- (a) *Minimum lot width and area.* For purposes of these provisions, minimum lot width requirements shall be considered to be met if the portion of the lot containing the fenced play area required below has the required minimum width at all points, play area is on another lot not separated by a major street from the lot with the principal structure, and the combined area of the lots involved meet minimum area requirements.
- (b) *Fenced play areas.* A fenced play area shall be provided in accordance with the requirements of the Virginia Department of Social Services. . No portion of the fenced play area shall be closer than ten (10) feet to the line of an adjacent lot improved by a residential use.
- (c) *Limitation of hours for outdoor play activities.* All outdoor play activities on the premises shall be conducted within the fenced play area, and if the fenced play area is within one hundred (100) feet of an occupied residence on adjoining property, such activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
- (d) *Buffering.* Solid fences or walls and/or vegetative screening may be required between fenced play areas and adjoining lots in residential use.

#### 25-10.2.1 *Accessory child day care centers operated by nonresidential uses in residential districts (R-1 through R-10).*

- (a) The day care center shall not be located in a separate freestanding building.
- (b) The lot for the nonresidential use shall contain at least twenty thousand (20,000) square feet.
- (c) All of the physical requirements for licensed day care centers as set by the Department of Social Services of the Commonwealth of Virginia shall be met. The state's physical requirements will determine the number of children that can be accommodated by the day care center.
- (d) A fenced play area shall be provided in accordance with the requirements of the Virginia Department of Social Services.

- (e) All outdoor play activities on the premises shall be conducted within the fenced play area, and such outdoor activities shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
- (f) Solid fences or walls and/or vegetative screening may be required between fenced play areas and adjoining residential properties.

25-10.2.2 *Day care homes.*

- (a) The lot for the day care home shall have a minimum lot size of 10,000 square feet and shall contain no principal use other than a single-family dwelling.
- (b) No more than twelve (12) children who are separated from their guardians during part of the day shall be cared for at the home.
- (c) All requirements for day care homes as set forth in Section 4-0.5 of this ordinance shall also apply to any day care home permitted by special exception and no day care home that fails to meet any of the limitations set forth in said section shall be eligible to apply for a special exception to operate a facility with more than nine (9) children.



5365 Robin Hood Road, Suite 700, Norfolk, Virginia 23513  
Phone 757.622.9268 Fax 757.622.4223

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Human Services Planning, Development & Management Since 1941

March 6, 2014

Norfolk City Planning Commission  
810 Union Street  
Norfolk, VA 23510

Dear City Planning Commissioners:

High quality family home childcare has long been a valuable resource for working families. Family childcare homes are often viewed as neighborhood assets. In addition to being affordable and accessible, family home childcare provides after-school, weekend, sick-child and other childcare not available in childcare centers. The Planning Council has had the opportunity to work with many of these providers through the federal food reimbursement program, the Voluntary Registration program (for providers who are not subject to licensure) and through a number of quality initiatives.

High quality family childcare homes have closed due to zoning requirements that may be outdated or not relevant to childcare provision. The loss of these valuable resources affects families in neighborhoods across the City and limits early childhood experiences that help children prepare for success in school. The proposed changes in zoning ordinances offer flexibility to family home childcare providers, while respecting community values and needs. The changes as proposed reflect an appropriate balance between supporting the needs of children for good care and early education and maintaining neighborhood quality of life.

Thank you for this opportunity to support the proposed changes to zoning ordinances that will increase access to high quality family home childcare.

Sincerely,

Suzanne Puryear  
President